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Town of North Reading
Massachusetts

TOWN CLERK
NORTH READING, MA

Community Planning

MINUTES

Tuesday, September 15, 2015

Mr. Christopher B. Hayden, Chairperson called the Tuesday, September 15, 2015 meeting of the Community Planning Commission to order at 7:30p.m. in Room 14 of the North Reading Town Hall, 235 North Street, North Reading, MA.

MEMBERS

PRESENT: Christopher B. Hayden, Chairperson
William Bellavance, Vice Chairperson
Patricia Romeo, Clerk
Warren Pearce
Joseph Veno

STAFF

PRESENT: Danielle McKnight, Planning Administrator
Debra Savarese, Administrative Assistant

Mr. Hayden informed all present that the meeting is being recorded.

Minutes

Mrs. Romeo moved, seconded by Mr. Bellavance and voted 5-0:

that the Community Planning Commission vote to accept the minutes of August 25, 2015 as written.

Mrs. Romeo moved, seconded by Mr. Veno and voted 5-0:

that the Community Planning Commission vote to accept the minutes of September 1, 2015 as written.

Zoning Board of Appeals

299 Main Street – On the petition of Seth M. Pasakarnis to appeal the decision of the building inspector regarding 299 Main Street.

The Community Planning Commission would like to thank you for including them in this review, but has not comment at this time.

193 Elm Street – On the petition of Jennifer DiPlatzi Dows for a home occupation special permit for a mobile wood fired pizza oven business.

The Community Planning Commission was not provided with enough information regarding this request to render an informed decision.

74 Old Andover Road – On the petition of Charles & Sheila O'Donnell for a variance for a mudroom with an attached garage per the setback requirements.

- Only if abutters do not object.
- The CPC suggests the applicants consider placing the garage directly onto the house with no mud room, as this would have less impact.

69 Southwick Road – On the petition of Donald F. Beane for a home occupation special permit for a dog walking/pet service business D/B/A Pawz & Clauz.

- The business is a legal entity and adheres to all requirements for Home Occupation Special Permits as stated in §200-42 of the North Reading Zoning Code.
- No customers on premises

Planning Administrator's Update

Mrs. McKnight stated that the Board of Selectmen is having their informational hearing for warrant articles on September 21, 2015 @ 8:00pm. She will be attending, but wanted to know if anyone on the board would like to attend.

Mr. Hayden stated that he would attend.

J.T. Berry Property

Mrs. McKnight stated that an RFQ was put out for a company to do the survey work. The responses are due on September 18, 2015.

Citizen Planner Training Collaborative

Mrs. McKnight stated that the Citizen Planner will be releasing their schedule for fall training. As soon as she receives it she will pass along to the board to see if anyone is interested in attending. One training session will be held in North Reading for Master Planning and she will be attending.

Scheduled October meetings

13th - CPC regularly scheduled meeting.

14th - Training

15th – MDI Grant – public workshop for streetscape improvement.

DLTA Grant

Mrs. McKnight stated that she received a draft for the market analysis yesterday and has started to review. They are looking at dates for the Advisory Committee to meet on one of the following dates in the morning. October 20, 21 or 22.

Great American Tavern

Mrs. McKnight stated that the proprietor of the Tavern dropped off a rendering showing the proposed signage and wanted to get input from the board. She checked the Site Plan Review to see if signage was included or whether it was a straight signage permit from the building department and could not find anything.

Mr. Hayden stated that the board did give him some suggestions.

Mrs. McKnight asked the board if they would want this to come back as a minor modification or to be handled as a sign permit.

Mr. Hayden asked to see the rendering.

Mr. Pearce stated that if the board did not deal with in the Site Plan Review may mean that they stayed with the existing sign.

Mr. Hayden stated that everything changed on the site including the signage.

Mrs. McKnight stated that he wants to use awning signs.

Mr. Hayden stated that if he puts words on the awning then it becomes a sign.

Mrs. McKnight stated that she was told by him that by his calculations the total area is decreasing because he is taking down one existing sign and putting up three smaller signs.

Mr. Pearce stated that he would like to see the rendering, but as far as an approval or disapproval it probably still falls under the building inspector's purview, unless they exceed what is allowed.

The CPC would like to see the signage proposed.

Charles Street Ext.

Mrs. McKnight stated that the applicant would like to make a request to phase the work and bonding for the subdivision. The town engineer stated that what was proposed is fine, but she thought the board should review it with a recommendation from the town engineer. She received an inquiry from Dave Giangrande that gives the description of what the applicant would like to do. Kip Ivester asked if he could complete the portion of the drainage from the control structure to the first MH at the end of Charles Street then place the catch basin on the east side first; then as a second phase place the pipe from the outfall stream to the proposed DMH at the bend in Charles Street. The final phase would be to place the pipe from DMH to DMH which would be the largest portion of the bond. Dave was unsure if this would be a CPC or DPW decision to phase the project.

Mr. Pearce stated this board can agree to a phasing plan, but the DPW is going to be concerned with the proposed paving on Haverhill Street. We will need to know the timing of the phasing plan because of the paving date.

17 Anthony Road/Definitive Subdivision – cont. P.H. 8:00pm

Mr. Hayden announced that the applicant has requested to continue.

David Cooke of 346 Haverhill Street wanted to know if the board could deny the request for continuance based on the application being incomplete when filed, and still is. There has been no submittal of the notarizations, National Grid Information and stormwater management reports.

Mr. Hayden stated that this is part of the process. An applicant brings in a plan and the board may or may not make changes to it. If changes are requested or documentation is required the applicant is allowed to continue the meeting to get the information requested.

Mrs. Romeo moved, seconded by Mr. Veno and voted 5-0:

that the Community Planning Commission vote to grant the requested continuance of the public hearing for the 17 Anthony Road Subdivision until Tuesday, December 15, 2015 @ 8:00pm.

Mrs. Romeo moved, seconded by Mr. Bellavance and voted 5-0:

that the Community Planning Commission vote to grant the request to extend final action on the definitive subdivision application until December 23, 2015.

20 Maple Road/Determination of Access – cont. P.H. 8:00pm

Mr. Hayden stated that they received the plan, but the driveway is not shown.

Bill Smith stated that the memo from the fire department stated that the homes need to be constructed so that the exterior door providing access is not more than 50 ft. from Maple Rd. or the driveway must be at least 20 ft. wide. He has decided to construct 20' driveways.

Attorney Brad Latham representing the applicant submitted a revised plan.

Mr. Hayden stated that the driveways will need to be constructed to carry the weight of the fire truck.

Mrs. McKnight stated that she has received all of the information she needs from Bill Smith. She is waiting for the DPW to submit details for what the upgrades are going to be.

Mr. Hayden stated that the revised plan will need to be reviewed by the town engineer, so he is not going to close the public hearing this evening and the Conditional Approval will be ready for approval at the next meeting.

Bill Smith stated that the rough grading, slopes and repairs to the road will be done by the town, he is only doing the hot top. He wanted to know who the Conditional Approval would be issued to.

Mr. Hayden stated that it would be issued to Bill Smith for the lot.

Mr. Pearce stated that the Conditional Approval should be issued to the town and Bill Smith.

Mr. Hayden stated that this is under subdivision control and a Conditional Approval needs to be issued.

Bill Smith stated that he did not think that he had to go through the subdivision control because of Chapter 41, section 81ff.

Attorney Brad Latham asked what would the town say that would change the decision of the board.

Mr. Pearce stated that the board is not going to change their decision.

Mrs. McKnight stated that there is a note on the plan that was requested by the town engineer noting that the town is responsible for the prep work. Before this board can actually sign a plan that says that, they need to be sure that the DPW has that approved, that the town has taken that on. So the board needs to get the approval for that, before they can actually agree to it. The board cannot necessarily say that the DPW is going to do something.

Mr. Pearce stated that it is not the board that will be paying for this; it is the DPW that needs to get an approved purchase order.

Bill Smith asked where does Chapter 41 subdivision control, come into this process. The road is already there and they have no intention of changing the road structure. So, he does not understand why there is going to be a Conditional Approval.

Attorney Latham stated that some of the comments are based on the discussion he had with Town Counsel and have been incorporated, as far as the roadway goes. But why can't the language be that to the extent that the town wants the roadway paved, the town shall prepare the road for pavement. If the town does not want to pay to have it done, then, it is what it is. If it states this then board should be able to approve what they have before them this evening.

Mr. Hayden stated that the board is not approving anything this evening. It needs to be reviewed by the town.

Mrs. McKnight stated that the DPW needs to go through the proper channels to commit to the town doing any work.

Mr. Veno stated that he is new to this process, but wanted to know why someone was not here to represent the DPW. It seems that Mr. Smith has done his part and it is not fair to keep dragging him back in to tell him that we are waiting for the town.

Mr. Hayden stated that the town engineer has been on vacation and the information was not available to all the parties that needed to know, until late yesterday.

Mr. Veno stated that he would like to suggest that in the future the applicant be notified that it is not going to go.

Mrs. McKnight stated she has been in contact with Town Counsel, very frequently and she believes that they have been in touch with Attorney Latham. This is not the usual project where she is in contact with the applicant. In that situation, she relies on their channel of communication. As far as her being aware that final approval for any prep work that the town would commit to, that was not something she knew about until she was contacted by the DPW director. She absolutely intends to expedite this and make this go as fast as she can in terms of getting any approvals that may be necessary. But, she was told that the board cannot sign off on something that says that the town is responsible for the prep work, until they get the approval.

Attorney Latham asked if the town decides that they do not want to approve, then what?

Mr. Hayden stated that they would have to make a decision then, if that should happen.

Bill Smith stated that he has never seen so much of a debate for someone that just wants to put hot top on an existing way.

Mr. Pearce stated that the DPW needs to go out and inspect the road, because from what they have heard from these meetings is that some of the grading that has been done by the town has created problems.

Lew Ferrazzani of 16 Maple Road asked if it is the decision of this board to accept the building and leave the road as a 12' access road.

Mr. Hayden stated that the board is not accepting the building.

Lew Ferrazzani stated that no easements will be required for this.

Mr. Hayden stated because this is under subdivision control, though it was done in 1918, when there were a few cars, horse and buggy and woodlots, it was not expected to be houses in there because of the water. That is what the roadway was and the board is constrained by that.

Lew Ferrazzani stated that at the August 25th meeting he applied to build a home and was denied. He went through the whole process; he made road improvements and had to purchase property to provide 9' easements. Is that law gone now?

Mr. Hayden stated that that was a different circumstance for his lot.

Lew Ferrazzani stated that his lot was a grandfathered lot, just like #20 Maple Road. In 1974, lots 16, 18, 19 and 25, a builder wanted to build three houses. He applied to the town and got denied for the following reasons: The street is only 12', does not comply with a definition of the

street in character to. The access to the lots is over Maple Road which is an unaccepted road and does not meet the current 21' width.

Mr. Pearce stated that this is not germane to this meeting.

Lew Ferrazzani stated that if the board would like to reference it as he reads it, but he would like to be heard.

Mr. Hayden stated that this project is completed.

Lew Ferrazzani stated that there are four denials for Maple Road and he was one of them, all for the same reason.

Mr. Hayden asked if the building department denied them.

Lew Ferrazzani stated that he was denied by the Building Department, Board of Appeals and the Community Planning Commission.

Mr. Hayden stated that the CPC did not deny him. They went through the Unaccepted Street Bylaw and he was approved.

Mr. Pearce asked if this is in preparation to request a denial of Mr. Smith's project.

Lew Ferrazzani stated that that is correct. The road is only 12' wide, is the fire department going to go through a choked 12' to get to a home. He does not understand this; they make rulings for one, but not for another. In 2003, Ms. Durnett filed an application and was denied because the road does not provide adequate access and there are members currently on this board that denied it. The Fire Department submitted a memo at that time that states "Department shall insist that the access to the property be improved as proposed to an 18' for the entire length. The department has constantly proposed that all roadways be a minimum of 18'. There is also a memo from the past Community Planning Administrator stating "The proposal is to construct an 18' wide gravel road in front of 29 Maple Road. The proposal includes provide a 9' wide easement. This proposal does not provide safe and adequate access as it has been previously determined. The existing 12' right-of-way is inadequate and must be widened from 16 Maple Road, northwards to the subject property to provide a minimum travel way of 18'. He would like to know what he needs to do to protest this current approval.

Mr. Hayden stated that all of those properties went through the Unaccepted Street bylaw. This is coming under something different because Mr. Smith researched it differently.

Lew Ferrazzani asked if this was going to be safe for the residents, police and fire departments.

Mr. Pearce stated no, it is probably not safe and the fire department has specific rules that Mr. Ferrazzani has to prove that they want 18' wide. They say that the State says that it has to be 18'

wide to be safe and adequate access. Does this board want it to be safe and have adequate access of 18' wide? Absolutely, but they have been denied the ability to do that. So, if someone gets hurt, damaged or a heart attack in any place that Mr. Ferrazzani fixed it, even in the middle of winter, if a car should break down, it is highly likely that their life will be saved. If it happens at the other end of the road, it is highly likely that their life will not be saved.

Lew Ferrazzani asked why the board was being denied.

Mr. Pearce stated that there is a State law, that the board cannot ask for it and if they go to court, they will lose.

Lew Ferrazzani stated that what this board previously voted on before is no good for anything else. This is setting a new precedent for 12' roads and North Reading has probably five or six miles of dirt roads. So, anyone can come in and build a house on a 12' road.

Mr. Hayden stated that it would need to comply with the grandfathered zoning. Under zoning the Unaccepted Street Bylaw is a zoning bylaw and they cannot utilize it when it's being grandfather under zoning.

Jane Krieger of 22 Cherry Street stated that she is an attorney, but is only speaking for herself. She lived at 15 Maple Road for many years and sold the house, so she does have standing. There are two issues: 1) Whether a lot is grandfathered and 2) Safe and Adequate Access. Is it the opinion of Town Counsel that 12' is safe and adequate access, particularly since a lot of the lots under the new agriculture of farming that a landscaping company can plant trees and say they are a farm and then any size or amount of trucks can go up and down that road.

Mr. Hayden stated that the reason they are meeting is to see the status of the lot and the way.

Mr. Pearce stated that Kopelman & Paige did not opine on safe and adequate access.

Jane Krieger stated that this is a legal question. Everybody in the State are interested in roads that are safe and adequate, grandfathering is a separate thing. Kopelman and Paige does have to opine on this.

Chris Albano of 21 Maple Road asked if this application falls under subdivision control shouldn't a fire hydrant be required. The nearest fire hydrant is approximately 1600'. But, going forward shouldn't everything be brought up to code.

Mr. Hayden stated that there are no water mains on Maple Road and because this is a subdivision from 1918 it was not required.

The public hearing was continued to September 29, 2015 @ 6:45pm.

2 Mid Iron Drive/Thomson Country Club/Special Permit/SPR – P.H. 8:30pm

Mr. Hayden informed all that the public hearing was being recorded.

Mr. Pearce recused himself from the public hearing.

James Kavanaugh, P.E. stated that they have addressed the comments from the town departments and the plans have been revised to show the following changes: dumpster area (with pad and chain link fence), a/c units and shrub screening, the parking area with calculations (115 spaces and 5 handicapped spaces), a notation that there will be no increased stormwater runoff and no increase in the building footprint, and an elevation showing the 62-foot distance from the nearest

residential abutter at 4-6 Mid Iron Drive. A row of cedar trees is proposed between this abutter and the pro-shop/restaurant. Access to the rear of the building via the side driveway and that there be no parking on the west side leading to the rear of the building (including all golf carts) and the 20' driveway has been designated as a fire lane.

Joe McCarthy, President of the Thomson Country Club stated that if needed, they would use the grassed area across from the pro-shop for overflow parking. They sometimes have a banquet after their tournaments at Teresa's restaurant and would be able to use their parking lot.

Mr. Bellavance asked if they were able to get an answer about the exhaust from the restaurant.

Joe McCarthy stated that he spoke to three kitchen designers and addressed the issue. They assured him that all of the exhaust systems currently made, do not emit odors.

Mr. Veno asked if the second floor is handicap accessible.

James Kavanaugh stated that it is accessible to the handicap.

Mr. Hayden closed the public hearing.

Mrs. Romeo moved, seconded by Mr. Bellavance and voted 4-0: (Mr. Pearce recused)

that the Community Planning Commission vote to approve the plan entitled, "Site Plan-Proposed Addition, Prepared for Thompson Country Club, 2 Mid Iron Drive, North Reading, MA 01864"; dated 6/22/2015; revised 9/1/2015 and 9/14/2015; drawn by James M. Kavanaugh, P.E. Subject to the terms and conditions of the Certificate of Conditional Approval dated September 15, 2015 as amended this evening.

Mr. Pearce rejoined the public hearing.

Swan Pond Road/Street Acceptance

Mrs. Romeo moved, seconded by Mr. Bellavance and voted 5-0:

that the Community Planning Commission vote to endorse the Street Acceptance Plan, Swan Pond Road, North Reading, Massachusetts; dated 9/8/2014; drawn by LeBlanc Survey Associates, Inc.

Rahnden Terrace/Street Acceptance

Mrs. Romeo moved, seconded by Mr. Veno and voted 5-0:

that the Community Planning Commission vote to endorse the Street Acceptance Plan, Rahnden Terrace, Rahnden Terrace Extension, North Reading, Massachusetts; dated 7/30/2015; drawn by Dana F. Perkins, Inc.

Adjournment at 9:50PM

Respectfully submitted,


Patricia Romeo, Clerk